

MAR 20 2000
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FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463

2000 MAR 20 P 12:40

FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

RAD REFERRAL: 99NF-08
DATE ACTIVATED: 5/28/99

EXPIRATION OF STATUTE OF
LIMITATIONS: December 3, 2003¹
STAFF MEMBER: Erica H. McMahon

SOURCE: INTERNALLY GENERATED

RESPONDENTS: Pakistani Physicians Public Affairs Committee and
Dr. Parvez Shah, as treasurer

RELEVANT STATUTES: 2 U.S.C. § 433(c)
2 U.S.C. § 434(a)(4)(A)(iii)
11 C.F.R. § 104.5(c)(1)(iii)(A)

INTERNAL REPORTS CHECKED: Disclosure Reports
Referral Material

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

This matter was referred to the Office of General Counsel by the Reports Analysis Division ("RAD") on April 27, 1999.² RAD referred the Pakistani Physicians Public Affairs Committee ("the Committee") and Dr. Parvez Shah,³ as treasurer ("Respondents"), for failure to

¹ The SOL date has been changed to correct a miscalculation. The SOL date was inadvertently entered in CMS as 10/15/2003, which referred to the October Quarterly Report. The report filed late was the 30 Day Post-General Report due on 12/03/1998. The SOL date has therefore been changed to 12/03/2003.

² The matter was reassigned to current staff on February 16, 2000.

³ The Committee filed an amended Statement of Organization on July 12, 1999, notifying the Commission that Dr. Shah was the Committee's new treasurer as of July 7, 1999. Dr. Arif Muslim was listed as treasurer at the time the Committee failed to file its 1998, 30 Day Post-General Report.

timely file the 1998, 30 Day Post-General Report of Receipts and Disbursements covering the period from October 15, 1998 to November 23, 1998. The Committee registered with the Commission as the Pakistani Physicians Public Affairs Committee. However, the Committee submitted its 1998 Year-End Report on February 2, 1999, using the name Pakistani *American* Physicians Public Affairs Committee. As of this date, the Committee has not filed an amended Statement of Organization to reflect the name change as required by 2 U.S.C. § 433(c).

II. FACTUAL AND LEGAL ANALYSIS

Based on the Factual and Legal Analysis, this Office recommends the Commission find reason to believe the Respondents violated 2 U.S.C. § 433(c). Because the Committee is a two-time recidivist, pursuant to the Commission's recidivist policy, this Office recommends the Commission find reason to believe the Committee knowingly and willfully violated 2 U.S.C. § 434(a)(4)(A)(iii). This Office further recommends the Commission find reason to believe Dr. Parvez Shah, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iii).⁴ See Attachment 1.

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

⁴ Because Dr. Shah was not the treasurer at the time of the violation, this Office recommends the Commission find reason to believe that only the Committee, and not the current treasurer, knowingly and willfully violated the Act.

20.04.40.3878

6785.104.40.03

This Office further recommends that the Commission offer to enter into conciliation with the Respondents prior to a finding of probable cause to believe. Attached for the Commission's approval is a proposed conciliation agreement

IV. RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe that Pakistani Physicians Public Affairs Committee and Dr. Parvez Shah, as treasurer, violated 2 U.S.C. § 433(c).
3. Find reason to believe Pakistani Physicians Public Affairs Committee knowingly and willfully violated 2 U.S.C. § 434(a)(4)(A)(iii).
4. Find reason to believe Dr. Parvez Shah, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iii).


5. Enter into conciliation prior to a finding of probable cause to believe.
6. Approve the attached Factual and Legal Analysis, conciliation agreement, and the appropriate letter.

Lawrence M. Noble
General Counsel

Date

3/17/00

BY:


Lois G. Lerner
Associate General Counsel

Attachments:

1. Factual and Legal Analysis
2. Proposed Conciliation Agreement

REC-104-10-02



FEDERAL ELECTION COMMISSION
Washington, DC 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel *Rad*

DATE: March 20, 2000

SUBJECT: RAD Referral 99NF-08-First General Counsel's Report

The attached is submitted as an Agenda document for the Commission Meeting of _____

Open Session _____

Closed Session _____

CIRCULATIONS

SENSITIVE

☒

NON-SENSITIVE

☐

72 Hour TALLY VOTE ☒

24 Hour TALLY VOTE ☐

24 Hour NO OBJECTION ☐

INFORMATION ☐

DISTRIBUTION

COMPLIANCE

☒

Open/Closed Letters ☐

MUR ☐

DSP ☐

STATUS SHEETS ☐

Enforcement ☐

Litigation ☐

PFESP ☐

RATING SHEETS ☐

AUDIT MATTERS ☐

LITIGATION ☐

ADVISORY OPINIONS ☐

REGULATIONS ☐

OTHER ☐



FEDERAL ELECTION COMMISSION
Washington, DC 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARY W. DOVE/VENESHE FEREBEE-VINES *VPV*
COMMISSION SECRETARY

DATE: MARCH 23, 2000

SUBJECT: RAD Referral #99NF-08 - First General Counsel's Report
dated March 17, 2000.

The above-captioned document was circulated to the Commission
on Monday, March 20, 2000.

Objection(s) have been received from the Commissioner(s) as
indicated by the name(s) checked below:

Commissioner Elliott	<u>XXX</u>
Commissioner Mason	<u>XXX</u>
Commissioner McDonald	<u>XXX</u>
Commissioner Sandstrom	<u>XXX</u>
Commissioner Thomas	<u>XXX</u>
Commissioner Wold	<u>XXX</u>

This matter will be placed on the meeting agenda for Tuesday,

April 4, 2000. Please notify us who will represent your Division before the
Commission on this matter.